

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

BRANDYWINE COMMUNICATIONS
TECHNOLOGIES, LLC,

Plaintiff,

v.

Case No: 6:12-cv-283-Orl-36DAB

AT&T CORP. and SBC INTERNET
SERVICES, INC.,

Defendants.

ORDER

This cause comes before the Court on the Report and Recommendation of Magistrate Judge David A. Baker, filed on April 25, 2012 (Doc. 27). In the Report and Recommendation, the Magistrate recommends that the Court grant Defendants' AT&T Corp. ("AT&T") and SBC Internet Services, Inc. ("SBC") (collectively "Defendants") Amended Motion to Transfer to the Northern District of California ("Motion to Transfer") (Doc. 18), and deny Defendants' Motion for Leave to File a Reply (Doc. 25) as moot. Neither party filed an objection to the Report and Recommendation and the time to do so has expired.

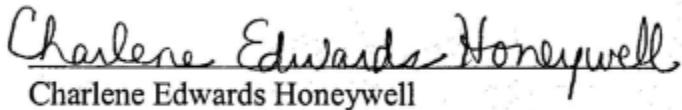
Upon reviewing factors relevant to motions to transfer, Magistrate Judge Baker concluded that the majority of the factors support transferring this action for the convenience of parties and witnesses and in the interests of justice. Doc. 27. The Court is in agreement with the Magistrate that "[w]hile the Middle District of Florida has a passing interest in this dispute, due to the presence of Mr. Bremer, the Northern District of California has a much stronger connection to the dispute, as this is where the accused products were developed and tested, one Defendant is incorporated and headquartered, and where key documents and likely potential

witnesses are located." *Id.*, p.11. Therefore, after careful consideration of the Report and Recommendation of the Magistrate Judge, in conjunction with an independent examination of the court file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is hereby **ORDERED and ADJUDGED**:

1. The Report and Recommendation of the Magistrate Judge (Doc. 27) is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. Defendants' AT&T Corp. and SBC Internet Services, Inc. Amended Motion to Transfer to the Northern District of California (Doc. 18) is **GRANTED**.
3. This cause is hereby **TRANSFERRED** to the United States District Court for the Northern District of California for all further proceedings.
3. Defendants' AT&T Corp. and SBC Internet Services, Inc. Motion for Leave to File a Reply (Doc. 25) is **DENIED as moot**.
4. The Clerk of the Court is directed to immediately transfer this cause to the United States District Court for the Northern District of California.

DONE and **ORDERED** in Orlando, Florida on May 11, 2012.


Charlene Edwards Honeywell
United States District Judge

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COUNSEL OF RECORD